

SB 981

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IMPORTATION AND INTERSTATE TRANSPORTATION OF  
NURSERY STOCK.

JULY 23, 1912.—Ordered to be printed.

*U. S. Cong. Senate*  
Mr. CHAMBERLAIN, from the Committee on Agriculture and Forestry, submitted the following

## REPORT.

[To accompany S. 4468.]

The Committee on Agriculture and Forestry, having had under consideration the bill (S. 4468) to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, report thereon with amendments, with the recommendation that it do pass.

On page 18, in line 5, after the word "act," strike out the words "or of the rules or regulations herein provided for."

On page 19, in line 23, after the word "become," insert the word "immediately" and place a period at the end of the line.

On page 19 strike out line 24.

On page 20, in line 2, strike out the word "July" and insert the word "October."

## EXPLANATION OF THE BILL.

In general, the Federal powers granted in this act relate to the establishment of foreign and domestic quarantine, the issuance of permits, foreign certification, and the distribution to the several State or Territorial officials of exact information in regard to origin, arrival, and destination of importations.

To the several States are left the responsibility of inspection at destination of imported stock and the cleaning up and disinfection of local quarantined districts.

Section 1 provides that "nursery stock" may be imported only after a permit has been taken out and when accompanied by a certificate showing foreign inspection. The issuance of the permit is mandatory when the conditions of the section have been met. The



section provides, however, that for scientific or experimental purposes plants may be imported by the Department of Agriculture without the permit. Provision is also made for the importation without certificate of inspection, under proper regulations, from countries where there are no means for such inspection.

While the issuance of the permit required in this section is mandatory, it nevertheless affords a large protection, in that it gives opportunity for a warning, if necessary, to be sent to the importer before he makes his importation if the goods covered are deemed dangerous, and also opportunity to warn the State official long in advance of the intended importation of stock if the same again are deemed likely to carry danger.

Furthermore, the foreign certification can be made to have distinct value, inasmuch as such certification to be acceptable can be required to be made by proper and accredited foreign officers, and of such character as to give assurance that the stock covered is clean.

Finally, the permit and the foreign certification will act of themselves very largely to prevent the importation of refuse stock by department stores or such as is now shipped in by foreign dealers to be sold at auction, and very much miscellaneous small importations, which have an especial danger from the difficulty of following up and inspecting such sendings.

Section 2. Notification section; requires notification from customs officers, first receivers of stock, person or firm offering it for transportation, and transporting firm or other carrier, the object being to fully advise the Secretary of Agriculture of the arrival and transportation of such stock to destination, information now only partially available. This information is to be transmitted by the department to the proper State officials so that all imported stock can be inspected by the latter. The Department of Agriculture acts merely as a clearing house for information, and the actual inspection of imported stock is left entirely to State officials.

Section 3. Labeling of imported stock as a condition of entry.

Section 4. Labeling of imported stock as a condition of interstate transportation.

Section 5. After due notice and public hearing makes provision for the inclusion under the foregoing provisions of the act, when necessary, of the plants and plant products excepted in the definition of "nursery stock," as given in section 6. The quarantine sections 7 and 8 and the subsequent sections of the act apply to all plants and plant products, including these excepted articles.

These excepted articles will normally carry little danger of introducing new insects or diseases, and therefore, to save both unnecessary Federal supervision, extending to thousands of small seed packets and similar importations, and also to avoid placing unnecessary burdens on importers of such articles, the requirements of the first four sections, relating to the permit, notification, and labeling, are not to be placed on these articles except when some real danger develops.

Section 6 defines "nursery stock" as used in this act.

Section 7. After due notice and public hearing provides for quarantining foreign districts to exclude plants or plant products which may convey fruit diseases or insect pests new to or not theretofore widely prevalent or distributed within and throughout the United States. Excludes such articles, which are to be specifically enumer-

ated, until quarantine is withdrawn, even though such articles are offered for entry accompanied by a foreign certificate. Provides that, in its application to the white-pine blister rust, the potato wart, and the Mediterranean fruit fly, the quarantine provisions of this section shall become applicable upon the enactment of the bill.

In the quarantine provisions of this section the particular plant conveying the danger is excluded, but no unnecessary restrictions are to be placed upon other plants not affected by such quarantine. The particular wording adopted in reference to such quarantine, namely, "diseases or insect pests new to or not theretofore widely prevalent or distributed within and throughout the United States," will enable the Department of Agriculture to declare a quarantine against any foreign pest whatsoever which should be legitimately subject to quarantine—in other words, to any pest which has not already been distributed and established throughout the United States—so that there would be no territory unaffected to which Federal quarantine could properly apply.

Section 8. After due notice and public hearing provides for domestic quarantine for any dangerous plant disease or insect infestation new to or not theretofore widely prevalent or distributed within and throughout the United States. Notice of such quarantine is to be given to common carriers and published in newspapers. Plants or plant products so quarantined in relation to interstate shipments not to be offered for shipment, received for transportation, nor moved.

The particular wording relating to domestic quarantine in this section has the same breadth of application as has the similar wording in section 7 in relation to foreign quarantine.

Section 9 provides for the making of rules and regulations for the carrying out of the purposes of the act.

Section 10. Penalties.

Section 11 defines "person" as used in the act.

Section 12 provides for the establishment of a definite Federal horticultural board in the Department of Agriculture to carry out the provisions of the act.

Section 13. Appropriation.

Section 14. Date when the act becomes effective.

#### CONDITIONS WHICH CALL FOR THIS LEGISLATION.

The United States is the only great power without protection from the importation of insect-infested or diseased plant stock.

Referring to European powers only, Austria-Hungary, France, Germany, Holland, Switzerland, and Turkey prohibit absolutely the entry from the United States of all nursery stock, and admit fruit only when the most rigid examination shows freedom from infestation; and most of the others have very strict quarantine and inspection laws, and the same is true of the important British and other colonial possessions.

The United States thus becomes a sort of "dumping ground" for refuse stock. Diseased live stock may be, and are, excluded by law, but diseased and insect-infested plants have no bar against introduction.

More than half of the important insect pests of fruits and farm crops are of foreign origin, and these now occasion a tax of nearly



half a billion dollars annually. A properly enforced quarantine and inspection law in the past would have excluded many, if not most, of these insect enemies and also many plant diseases.

While, as just indicated, most of the important seriously injurious insects and plant diseases, which are now levying an enormous yearly tax on agricultural productions, have been introduced from foreign countries, there are still many other insect pests and plant diseases which may be excluded. There are important orchard and fruit pests in Europe and Asia the entry of which can be guarded against. There is also just now especial danger from introductions from Asia, where conditions are little known and where pests are very apt to be new and unusually destructive.

An illustration of this is seen in the San Jose scale, which was introduced into this country from north China, and has been carried into every State in the Union on nursery stock. This pest has already cost the orchardists of this country \$50,000,000, and is adding to this sum at the rate of \$5,000,000 each year. This \$5,000,000 annual charge comes from the actual cost of spraying operations, which are absolutely necessary to keep the trees alive and productive, and from the shrinkage in quantity and value of the fruit yield.

The alfalfa leaf weevil is another of the recently introduced foreign insect pests, and its ravages in the great alfalfa regions of Utah are now well known, and there are no means of preventing its spreading ultimately throughout all the great alfalfa regions of the Pacific coast and the Mississippi Valley.

Still another recently introduced pest is the European elm-bark beetle which has become established in Massachusetts, and is the chief agent in the destruction of the historic elms of Cambridge. The moribund or dead trunks of these splendid old trees are now being chopped down and removed at a cost merely for the removal of upward of \$30 per tree. This new elm pest may in the end prove almost as serious an enemy to the elms in this country as the chestnut disease has proved to chestnut forests in the eastern United States, and this chestnut disease is also of comparatively recent foreign origin. Many other illustrations could be given, but these are perhaps sufficient to illustrate the type of dangers which should at once be guarded against.

As already indicated, much could have been saved to the agricultural and natural forest resources of this country if legislation similar to this had been early enacted. Many of the plant diseases and insect enemies of the Old World now established in this country could undoubtedly have been excluded, and this would have given this country a tremendous advantage for a long period in augmenting the quantity produced and lessening the cost of production. The past can not be altogether remedied, but the future can be safeguarded, and this act will go a long way toward accomplishing this end.

The enactment of this legislation is especially urgent at this time to exclude several immediate dangers of the gravest character, as well as to afford general protection in the future against all important plant diseases and insect pests.

The so-called Mediterranean fruit fly has recently become established in the Hawaiian Islands, and unless quarantined against is certain to be brought into this country from those islands or from other quarters of the world where it has gained foothold. It is a

more serious fruit pest than any now occurring on this continent. Its larvæ, or maggots, infest all sorts of fruits and many vegetables, and the presence of these in the fruit can not be determined except by cutting the fruit open. Its introduction would be most diastrous to the citrous and deciduous fruit ranches of the Pacific coast, and in fact to all our fruit-growing interests.

Another very grave danger at this time is the likelihood of the introduction of the potato wart with imported potatoes. The short crop of last year has already lead to enormous importations of foreign potatoes, and these importations have come in many instances from districts where this dreaded disease is known to exist. We are, for example, now receiving quantities of potatoes from Newfoundland, where the potato disease is so firmly established that her neighbor, Canada, has strictly quarantined against all potatoes from this island, with the result that we are now getting all the surplus. It is significant also that Canada is now considering the establishment of quarantine against potatoes from the United States because this country is allowing the importation of diseased potatoes from Newfoundland. The establishment of this potato disease in the great potato-growing regions of the United States would result in losses almost beyond computation. It is a soil disease, and once in the soil it remains for a period of from 8 to 10 years, and puts an effectual check on potato production, invading and destroying the potato tubers.

Another grave danger is the likelihood of the establishment in this country of the white-pine blister rust, which has caused enormous losses in certain districts in Europe, particularly to seedling pine stock. This disease has during the past few years been imported on seedling pines into many of our States. Earnest effort has been made to destroy all such infested shipments, and it is hoped that this work has been successful. If this disease becomes established in this country, it will result in enormous losses to our pine forests. In the case of this pine rust, most of the infested seedlings have come from a single nursery and district in Germany—a district which is more or less locally quarantined against, with the natural result of making us the recipients of its diseased products. A law under which such districts and such products can be absolutely quarantined against is imperatively needed.

The danger which led to the first attempt to get this legislation is still in existence—that is, the likelihood of the establishment throughout the United States of the gypsy and brown-tail moths with nursery stock imported from Europe. During the last few years such infested material has been carried to no less than 23 different States. In 1909, 7,000 nests, containing nearly 3,000,000 larvæ, were found in shipments into New York State—seed material enough to infest the whole United States within a few years; and, as already noted, such infested shipments have been sent to many other States, extending from the Atlantic seaboard to the Rocky Mountains. So far as possible, this imported stock has been examined and the infesting larvæ removed and destroyed by State authorities or, where these were not available, by employees of the Bureau of Entomology of the Department of Agriculture. It is by no means certain, however, that all infested material has been inspected, and the insect may now be established at remote interior points.



It is scarcely necessary to comment on the danger to this country from the careless introduction and wide distribution of these two orchard and forest pests. In a limited district in New England more than a million dollars a year has been spent for a long period in a mere effort to control these two insects, and the General Government is now appropriating \$300,000 annually to endeavor to clear them from the border of the main highways and thus check their spread. These expenditures do not take into account the actual damage done, but they do serve as a measure of the danger to the whole country from the recent distribution of these two insects on imported nursery stock.

In this bill the quarantine provisions are made immediately applicable to three of these dangers, namely, the Mediterranean fruit fly, the potato wart, and the white-pine blister rust.

With the exception of importing nurserymen there has been practically universal demand for this legislation. The horticultural societies of many States have demanded it and have come solidly to its support. Resolutions favoring this legislation have been passed by numerous bodies of this character, and the horticultural and entomological officials of practically every State in the Union have long been urging its enactment.

The opposition to this legislation in the past has been on the part of importing nurserymen, and through these, of the National Association of Nurserymen, the nursery interests fearing that such a law would put unnecessary burdens and restrictions on their business. The educational work of the last few years has demonstrated to most of these nurserymen that their fears have been groundless, and nursery associations of whole States have given emphatic support to this legislation.

This bill has been discussed very fully with the committee on legislation of the National Association of Nurserymen, and this committee, for this National Nurserymen's Association, has accepted the bill as satisfactory to them and as desirable legislation. There is, therefore, now, so far as we know, no antagonism anywhere to this measure, and it has practically unanimous support from all the vast fruit-growing, forest, and allied interests in this country.

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